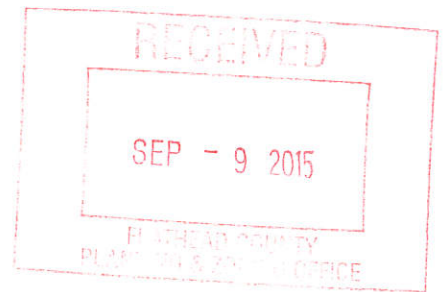




Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 865⁻

APPLICANT/OWNER:

1. Name: Various see attached Phone: NA
2. Mail Address: Various see attached
3. City/State/Zip: Various see attached
4. Interest in property: Owners of lots as shown on attached list.

Check which applies: ☐ Map Amendment ☒ Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Michael Fraser Phone: 253-4326
Mailing Address: 690 North Meridian, Ste 103
City, State, Zip: Kalispell, MT 59901
Email: mfraser@montanasky.net

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: _____

- B. Legal Description: Mill Creek Phase I and II
(Lot/Block of Subdivision or Tract #)

26 - T27N - R20W
Section Township Range (Attach sheet for metes and bounds)

- C. Total acreage: 37.614

- D. Zoning District: Bigfork

- E. The present zoning of the above property is: Mill Creek PUD

- F. The proposed zoning of the above property is: Mill Creek PUD

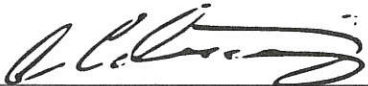
- G. State the changed or changing conditions that make the proposed amendment necessary: The PUD language precludes combining attached Phase II dwelling lots into either attached dwelling lots or detached single family lots. Language is proposed for the

PUD which would allow Phase II attached dwelling lots to be combined in to larger attached or detached dwelling lots. Common area features encroach into several lots.
The proposed text amendment would allow these lots to be moved to eliminate the encroachment.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.



Owner/Applicant Signature(s)

Sept 9, 2015

Date


PUD which would allow Phase II attached dwelling lots to be combined in to larger attached or detached dwelling lots. Common area features encroach into several lots.

The proposed text amendment would allow these lots to be moved to eliminate the encroachment.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.



Owner/Applicant Signature(s)

8-Sep-2015
Date

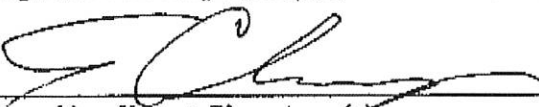
Robert McVicker
VP Bigfork Landing C.V.P.
Manager Bigfork Landing II, LLC

PUD which would allow Phase II attached dwelling lots to be combined in to larger attached or detached dwelling lots. Common area features encroach into several lots.
The proposed text amendment would allow these lots to be moved to eliminate the encroachment.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

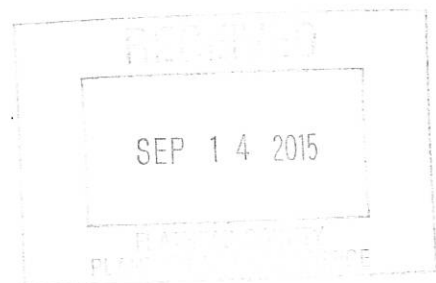
The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.



Owner/Applicant Signature(s)

9/9/15

Date



APPLICATION PROCESS

APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A pre-application meeting is highly recommended. This can be scheduled at no cost by contacting the Planning & Zoning office. Among topics to be discussed are: Master Plan compatibility with the application, compatibility of proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application.

C. Application fee.

D. The application must be accepted as complete by the Flathead County Planning & Zoning staff prior to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

APPLICABLE TO APPLICATIONS FOR ZONE CHANGE:

A. Application Contents:

1. Completed Zone Change application, including signatures of all property owners applying for zoning map amendment.

IF this is a **MAP** amendment the following are also required:

- i) A map showing the location and boundaries of the property (*vicinity map*).
- ii) A Title Report of the subject property
- iii) **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

**ATTACHMENT TO "PETITION FOR ZONING AMENDMENT" FOR
MILL CREEK PLANNED UNIT DEVELOPMENT**

- 1. APPLICANT/OWNER:** Calaway Brothers, LLC.
1878 Ashley Ridge Road
Sandy, Utah 84092

Calaway Construction, Inc.
804 Broken Choker Lane
Bigfork, MT. 59911

Bigfork Landing II, LLC.
1400 Kensington Road NW Ste. 300
Calgary, AB AB T2N 3P9, Canada

- 4. Interest in property:** Calaway Brothers, LLC. are owners of lots:

85 thru 97

Calaway Construction, Inc. is the owner of lots:

32 thru 34
37 thru 39
83 thru 84

Bigfork Landing II, LLC is the owner of lots:

40 thru 56
58 thru 60
63 thru 66
81 thru 82
98 thru 102
103 thru 113

**IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE
ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed text amendment?

See attached "FINAL PLANNED UNIT DEVELOPMENT" (amended text)

MILL CREEK ESTATES

FINAL PLANNED UNIT DEVELOPMENT (amended text)

MILL CREEK ESTATES is a 37.6 acre residential Planned Unit Development (PUD) consisting of *a maximum of 113 lots* which will accommodate *single family lots in Phase I and in Phase II attached duplex and triplex townhouse lots and single family lots. Triplex lots maybe combined into duplex lots. Duplex lots maybe combined into Phase II single family lots. Lot boundaries maybe adjusted as needed with the common area. Common area acreage may not decrease.* A 1.28 acre community "Club House" lot, common areas and common area landscaping are integrated into the overall development. No other uses are allowed in the Planned Unit Development.

PERMITTED USES:

1. Dwellings, single family detached.
2. Dwellings, single family attached no greater than three (3) units per single structure.
3. Community clubhouse and recreation center, completed as per the Amended Planned Unit Development.

BULK AND DIMENSIONAL REQUIREMENTS:

1. Minimum Lot Area:

Phase I Detached dwelling	10,200 square feet
<i>Phase II Detached dwelling</i>	<i>5,500 square feet</i>
<i>Phase II Attached dwelling</i>	<i>3,000 square feet</i>
2. Minimum Lot Width:

Phase I Detached dwelling	70 feet
<i>Phase II Detached dwelling</i>	<i>56 feet</i>
<i>Phase II Attached dwelling</i>	<i>38 feet</i>
3. Setbacks:

Minimum Yard Requirements (measured from right of ways)

Front:	20 feet
Side:	10 feet each side
Side corner:	10 feet
Rear:	20 feet

4. Maximum Height:

Principle Structure:	35 feet
Fences:	6 feet
5. Off-Street Parking:

2 spaces per unit

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy of Neighborhood Plan?

Mill Creek is within the Bigfork Neighborhood Plan area. The specific area is designated as "Residential". Residential land is designated as lands that will be primarily utilized for residential uses and ancillary purposes. Residential clustering and PUD bonuses maybe appropriate for this category when lots are arranged as to minimize visual impact or preserve sensitive environmental features. Mill Creek has been subdivided and zoned as a Planned Unit Development which is in accordance with the land use designation of the Growth Policy.

Flathead County as part of the Growth Policy adopted the Bigfork Neighborhood Plan. This plan designates the site as urban residential which encompasses zoning classifications R-2 thru RA-1. Mill Creek is an R-2 Planned Unit Development. Zoning and land uses are in accordance with the Bigfork Neighborhood Plan.

2. Is the proposed amendment designed to:

- a. Secure safety from fire and other dangers?

Security from fire and other dangers are generally based on availability of emergency services and presence of natural hazards. The site is within a mile of emergency services, is not in steep terrain, is not in an area designated as wildfire urban interface, is not in a flood plain and is outside known earthquake fault zones. The prior zoning action considered similar criteria and found the R-2 PUD in conformance. The proposed amendment will have the potential of reducing density, which would have no impact on security from fire and other dangers. Less density would result in fewer structures which may improve security from fire and other dangers.

- b. Promote public health, public safety and general welfare?

Public health, safety and welfare relate to access to and availability of services. The subdivision has been constructed with roads, sidewalks, common areas and public infrastructure, water and sewer. The road network is in place for access to and from the medical, dental, shopping and other services. This change would allow reduced density and increase the diversity of housing choices without increasing the coverage of the lands. The reduced coverage will generally promote public health, safety and welfare.

- c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements?

The proposed text amendment will allow a reduction in density. Infrastructure in place was designed and constructed for 113 lots the reduction will not alter the adequacy of the existing infrastructure. Reduction in density could reduce impacts on the schools, water demand, sewerage flows and demand for park use.

3. Does the proposed amendment consider:

- a. The reasonable provision of adequate light and air?

The proposed text amendment will allow a reduction in density. A possible reduction in density will have the effect of increasing the distance between structures. A decrease in lot coverage and increase in separation of structures will increase the provision of light and air.

- b. The effect on motorized and non-motorized transportation systems?

A reduction of density by combining lots will reduce traffic by 10 vehicle trips per day per residential unit of reduction. Interior and exterior road networks have been evaluated for traffic generated from 113 residential units. A reduction in residential units will reduce traffic on the road network and lessen the impact of Holt Drive.

A system of sidewalks and paths has been constructed within the subdivision. A multi use path has been constructed along Holt Drive and Chapman Hill Road. A reduction in density will have no positive or negative effect on these improvements.

- c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

Mill Creek is within easy access of Bigfork, about a mile. The text change will allow a wider variety of housing options which is intended to increase the absorption rate of the subdivision lots. Mill Creek provides infill development between the Eagle Bend/ Harbor Village and the urban area of Bigfork. The open space and extensive landscape component of the PUD buffers the urban densities in a transitional area.

- d. The character of the district and its peculiar suitability for particular uses?

Mill Creek as a residential PUD allowed a greater density in exchange for open space and thought full landscape. A change allowing a wider variety of housing choices is consistent with the transitional character of the area, from the urban Bigfork area to the recreational character of Eagle Bend. A decrease in density will diminish the possible impacts of urban density in a suburban area. Allowing single family detached dwellings in Phase II will satisfy a wider range of uses in Phase II.

- e. Conserving the value of buildings and encouraging the most appropriate use of land through the jurisdictional area?

Mill Creek current has a variety of dwelling options, single family, duplex townhouse and triplex townhouse. The proposed text change will continue with the variety but allow the current configurations to be altered to meet market demand. An increase in demand for real estate in an area is usually indicative of higher trending prices. As such the change will at a minimum preserve values and optimally increase market pricing.

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

Mill Creek is an R-2 Planned Unit Development approved in the Bigfork Neighborhood Plan area. The proposed text change is administrative to allow the combination of lots. Newly combined lots would be consistent with the approved PUD and therefore compatible with the PUD overlay zone.